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BUSINESS, LABOR & ECONOMIC AFFAIRS
EXHIBIT No. 3
DATE 3-16-07
BILL No. 378

**Senate Business, Labor and Economic Affairs
Committee
Support - HB 378
Board of Nursing Home Administrators**

For the record, I am Rose Hughes, Executive Director of the Montana Health Care Association, an association that represents nursing homes and assisted living facilities throughout the state of Montana.

We support HB 378.

The Board of Nursing Home Administrators was established by law in 1969 to license and set standards of practice for nursing home administrators. In order to be the administrator of a skilled nursing facility (nursing home) you must be licensed.

HB 378 updates the statutes governing the Board of Nursing Home Administrators. Specifically, this bill does the following:

1. New Section 1 adds a statement of the need for the board by describing the public health, welfare and safety issues involved in providing care to frail, elderly citizens of Montana.
2. Section 2-15-1735 is amended to add an additional nursing home administrator to the Board. By adding one more administrator to the board, there will be 3 administrators, 2 allied health professionals and 1 public member on the board. The additional administrator is needed to properly allocate the work load. It will allow two licensed nursing home administrators to serve on the "screening panel" and one licensed administrator to serve on the adjudication panel. Currently, there are two administrators on the screening panel but no administrators on the adjudication panel - because you cannot be a member of both panels. There are also other issues the board deals with that require the expertise of the regulated professionals. For example, the board reviews applications, standards of practice, continuing education and administrator qualifications.
3. Section 2-15-1735 is also amended to change the word "may" to "must" to clarify that there MUST be nursing home administrators on the board.

The Board of Nursing Home Administrators also supports this legislation..

HB 378 simply updates our licensing law and assures the Board can do its work. Please support HB 378.

*MHCA...providing leadership and empowerment
within the long term care continuum
through education, advocacy, information
and support to our members.*

2-15-1735. Board of nursing home administrators. (1) There is a board of nursing home administrators.

(2) The board consists of five voting members appointed by the governor with the consent of the senate. No more than two members may be nursing home administrators. One member shall represent the public at large and must be 55 years of age or older at the time of appointment. The other two members must be representatives of professions or institutions concerned with the care of chronically ill and infirm aged patients and may not be from the same profession or have a financial interest in a nursing home.

(3) The director of the department of public health and human services or the director's designee is an ex officio, nonvoting member of the board.

2005 MCA

(4) Each appointed member shall serve for a term of 5 years. Any vacancy occurring in the position of an appointive member must be filled by the governor for the unexpired term.

(5) Appointive members may be removed by the governor only for cause.

(6) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121.

History: (1) thru (5) En. Sec. 2, Ch. 363, L. 1969; amd. Sec. 1, Ch. 434, L. 1973; amd. Sec. 2, Ch. 483, L. 1973; amd. Sec. 1, Ch. 153, L. 1974; Sec. 66-3102, R.C.M. 1947; amd. and redes. 82A-1602.17 by Sec. 306, Ch. 350, L. 1974; amd. Sec. 1, Ch. 95, L. 1975; Sec. 82A-1602.17, R.C.M. 1947; (6) En. 82A-1602 by Sec. 1, Ch. 272, L. 1971; amd. Sec. 10, Ch. 250, L. 1973; amd. Sec. 1, Ch. 285, L. 1973; amd. Sec. 1, Ch. 57, L. 1974; amd. Sec. 1, Ch. 58, L. 1974; amd. Sec. 1, Ch. 84, L. 1974; amd. Sec. 1, Ch. 99, L. 1974; amd. Sec. 354, Ch. 350, L. 1974; Sec. 82A-1602, R.C.M. 1947; R.C.M. 1947, 82A-1602(part), 82A-1602.17(1) thru (6); amd. Sec. 1, Ch. 163, L. 1979; amd. Sec. 4, Ch. 244, L. 1981; amd. Sec. 7, Ch. 247, L. 1981; MCA 1979, 2-15-1611; redes. 2-15-1845 by Sec. 4, Ch. 274, L. 1981; amd. Sec. 9, Ch. 418, L. 1995; amd. Sec. 12, Ch. 546, L. 1995; Sec. 2-15-1845, MCA 1999; redes. 2-15-1735 by Sec. 221(2), Ch. 483, L. 2001.

Cross-References

Application of Montana Administrative Procedure Act to licensing, 2-4-631.

Disasters and emergencies — emergency reciprocity for persons licensed out of state, 10-3-204.

General duties of boards, 37-1-131.

Licensure of former criminal offenders, Title 37, ch. 1, part 2.

General provisions relating to health care practitioners, Title 37, ch. 2.

Nursing home administrators, Title 37, ch. 9.

Nondiscrimination in licensing, 49-3-204.

**MONTANA STATE HEALTH OCCUPATION BOARDS - QUALIFICATIONS
2007**

Name	MCA Section	Total Members	In Regulated Profession	In Related Field	Public Members	State Agency or Other
Alternative Health Care Board	2-15-1730	6	4	1	1	0
(a) 2 persons (total 4) from each of the health care professions regulated by the board						
(b) 1 public member						
(c) 1 member who is a licensed Montana physician						
Board of Medical Examiners	2-15-1731	11	9	0	2	0
(a) 5 doctors of medicine						
(b) 1 doctor of osteopathy						
(c) 1 licensed podiatrist						
(d) 1 licensed nutritionist						
(e) 1 member who is a licensed physician assistant						
(f) 2 members of the general public						
Board of Dentistry	2-15-1732	10	8	0	2	0
(a) 5 licensed dentists						
(b) 1 licensed dentist						
(c) 2 licensed dental hygienists						
(d) 2 two public members						
Board of Pharmacy	2-15-1733	6	4	0	2	0
(a) 3 licensed pharmacists						
(b) 1 registered pharmacy technician						
(c) 2 public members						
Board of Nursing	2-15-1734	9	7	0	2	0
(a) 4 registered professional nurses						
(b) 3 licensed practical nurses						
(c) 2 public members						
Board of Nursing Home Administrators	2-15-1735	5	2	2	1	0
(a) no more than 2 nursing home administrators						
(b) 1 public member						
(c) 2 representatives of professions concerned with the care of chronically ill and infirm aged patients						
Note: DPHHS Director is an ex officio non-voting member						
Board of Optometry	2-15-1736	4	3	0	1	0
(a) 3 registered optometrists						
(b) 1 public member						
Board of Chiropractors	2-15-1737	4	3	0	1	0
(a) 3 chiropractors						
(b) 1 public member						

MONTANA STATE HEALTH OCCUPATION BOARDS - QUALIFICATIONS
2007

Name	MCA Section	Total Members	In Regulated Profession	In Related Field	Public Members	State Agency or Other
Board of Radiologic Technologists	2-15-1738	7	5	1	1	0
(a) 1 licensed radiologist						
(b) 1 licensed physician who employs at least 1 person granted a board permit (see 37-14-306)						
(c) 1 person granted a board permit under 37-14-306						
(d) 1 public member						
(e) 3 licensed radiologic technologists						
Board of Speech-Language Pathologists & Audiologists	2-15-1739	5	4	0	1	0
(a) 2 licensed speech-language pathologists						
(b) 2 licensed audiologists						
(c) 1 public member						
Board of Hearing Aid Dispensers	2-15-1740	7	5	0	2	0
(a) 1 w/certificate of qualification from American Board of Otolaryngology						
(b) 2 licensed hearing aid dispensers w/ national certification in audiology and master's degrees						
(c) 2 licensed dispenser & fitters						
(d) 2 public members						
Board of Psychologists	2-15-1741	6	4	0	2	0
(a) 2 licensed psychologists in private practice						
(b) 1 licensed psychologist in public health						
(c) 1 licensed psychologist engaged in teaching						
(d) 2 public members						
Board of Social Work Examiners and Professional Counselors	2-15-1744	7	6	0	1	0
(a) 3 licensed social workers						
(b) 3 licensed professional counselors						
(c) 1 public member						
Board of Physical Therapy Examiners	2-15-1748	5	3	1	1	0
(a) 3 physical therapists						
(b) 1 licensed physician						
(c) 1 public member						
Board of Occupational Therapy Practice	2-15-1749	5	3	0	2	0
(a) 3 licensed occupational therapists						
(b) 2 public members						

**MONTANA STATE HEALTH OCCUPATION BOARDS - QUALIFICATIONS
2007**

Name	MCA Section	Total Members	In Regulated Profession	In Related Field	Public Members	State Agency or Other
Board of Respiratory Care Practitioners	2-15-1750	5	3	1	1	0
(a) 3 respiratory care practitioners						
(b) 1 licensed physician						
(c) 1 public member						
Board of Clinical Laboratory Science Practitioners	2-15-1753	5	3	1	1	0
(a) 1 licensed physician						
(b) 3 licensed clinical laboratory science practitioners						
(c) 1 public member						
Average=		6.29	4.47	0.41	1.41	0.00